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September-October, 1994

NEWSLETTER

OCT 11 1994

95-002

CANDIDATE REMINDERS

All candidates who are participating in the November 8 general election are reminded to file a pre election Campaign Disclosure form due October 24, 1994. Candidates who have not spent or received any money for their election are still required to file for the pre election period. The next reporting deadline for filing after the general election is January 10, 1995.

GUIDES ARE AVAILABLE

Do you need some help interpreting the State Ethics Reform Act passed in 1991? If so, the State Ethics Commission has *free* guides available to anyone needing further explanation of the Reform Act. If you are interested in obtaining a *free* copy of the Guide to the South Carolina State Ethics Act, please contact the State Ethics Commission at 253-4192.

ANNUAL REPORTS

Copies are also available of the Commission's 1991-92 and 1993-94 annual report. These reports contain Commission activities and the full text of advisory opinions for the fiscal year.

If you are interested in a *free* copy of our Annual Report, please contact the State Ethics Commission. Copies are available on a first come, first served basis. The Annual Report for fiscal year '93-'94 will not be available until 1995.

CONTRIBUTIONS FROM FOREIGN NATIONALS PROHIBITED

Federal law prohibits foreign nationals from making contributions or expenditures in connection with political campaigns at any level of government. Candidates and committees are prohibited from accepting contributions from foreign nationals.

"Foreign nationals" include foreign governments, foreign political parties, foreign corporations, foreign associations, foreign partnerships, individuals with foreign citizenship, and immigrants not possessing a "green card."

Questions concerning this prohibition may be addressed to the Federal Election Commission at (800) 424-9530 or (202) 219-3420.

STATE DOCUMENTS CAMPAIGNING BY PUBLIC OFFICEHOLDERS

A number of questions are raised during an election year concerning permissible activities of public employees and officials in election campaigns. Below are some of the most common questions asked:

Q. May a public employee run for public office?

A. The State Ethics Reform Act does not restrict public employees from running for or holding elective office. There are, however, other restrictions which may apply. The Hatch Act restricts public employees with responsibilities regarding certain Federal funds in their election activities. In addition, there are specific prohibitions against, for instance, school teachers holding the position of school trustee in the school district by which they are employed. Further, some agencies and political subdivisions have legislative provisions or ordinances prohibiting employees from running for or holding political offices.

Q. May a public employee campaign for political candidates?

A. The Ethics Reform Act prohibits public employees or officials from utilizing public personnel, materials, or equipment in an election campaign. Any campaigning must be done on the employee's or official's own time.

Q. If I run for office and am elected, are there restrictions?

A. If elected, service as an elected official must be done on the official's own time (i.e., evenings, weekends, annual leave, vacation, leave without pay).

Q. Are there any restrictions on who or where I may solicit?

A. Subordinates may not be knowingly solicited for campaign contributions. Any contributions must be received or accepted away from any public office building except at a publicly advertised rally or fundraiser at a facility which is open to all candidates under the same terms (i.e., available without cost to all candidates or rented on the same terms to all candidates).

Law enforcement officers in uniform are prohibited from soliciting contributions. Judges, solicitors, assistant solicitors or their investigators, the Attorney General, Deputy or Assistant Attorneys General or their investigators are prohibited from soliciting contributions except to their own campaign.

INFORMAL ADVISORY OPINIONS

In 1993, the State Ethics Commission determined to issue informal advisory opinions since there had been a large number of formal opinions issued from 1991-1993 which provided precedents. In lieu of issuing a formal opinion on each request, the Commission granted the staff the authority to provide prior opinions, when appropriate, to respond. In this way, the requestor can receive a quicker response if there had been a similar request previously answered. Formal advisory opinions are binding on the Commission and require a positive vote of five members of the Commission. The informal opinions do not carry the force of a Commission opinion but are merely the advice of the Commission staff based on the prior-issued opinions.

RECORDS AVAILABLE FOR VIEWING

The Commission is the repository for a number of records which are open for public inspection. Financial disclosure forms are filed by all elected officials, chief administrative officials, and chief finance and purchasing officials at all levels of government. Campaign Disclosure forms are received from candidates and committees. Lobbyists and their principals file registration forms and disclosures of their expenses.

Files can be reviewed in the Commission office or, in the case of financial disclosure forms and campaign disclosure forms, in the Clerk of Court's office in the filer's county of residence.

Copies are available at \$.20 per page. Mail requests are honored; however, payment in advance is required.

BALLOT ISSUE COMMITTEES

Groups or committees which organize to support or oppose referenda or ballot issues, such as bond issues, lottery, local option sales tax, annexation, or forms of local government, may be required to register and file with the State Ethics Commission. Any organization or group which receives or spends funds to either support or oppose such a

ballot issue must file a statement of organization within five days after receiving or expending more than \$500. Thereafter, the committee must file quarterly (i.e., no later than January 10, April 10, July 10, and October 10 for the calendar quarter ending December 31, March 31, June 30, and September 30, respectively). The committee, regardless of the amount received or spent (even if less than \$500) must file a disclosure at least fifteen days prior to the election (October 24 for the November 8 general election).

DATES TO REMEMBER

The following are key dates to remember for the November 8 general election:

- Oct. 10 - Quarterly Campaign Disclosure Report due.
- Oct. 24 - Pre election Campaign Disclosure Report due.
This report is required from ALL candidates on the November 8 general election ballot.
- Nov. 8 - General Election
- Jan. 10 - Quarterly Campaign Disclosure Report due.

ADVISORY OPINIONS

SEC A095-001

September 21, 1994

CONTRIBUTION LIMITATIONS OF PARTY COMMITTEES

Within an election cycle, a candidate for local office may accept no more than \$5,000 in combined contributions from a political party through its party committees or affiliated legislative caucus committees. Political parties, through their party committees or legislative caucus committees, may make individual contributions exceeding \$3,500 for statewide candidates or \$1,000 for local candidates so long as the aggregate contribution limits of Section 8-13-1316(A) are not exceeded.

SEC A095-002

September 21, 1994

PUBLIC OFFICIAL'S USE OF PERSONALLY OWNED RESIDENCE WHILE ATTENDING CONVENTION

A county councilman is advised against charging the county for staying in a personally owned residence while attending a nearby conference.

State Ethics Commission

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